

## HB 2002 -4, -6, -8 STAFF MEASURE SUMMARY

### House Committee On Rules

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**Prepared By:** Gillian Fischer

**Meeting Dates:** 4/30, 5/27

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#### WHAT THE MEASURE DOES:

Amends certain mandatory sentences required under ORS 137.700 and converts to presumptive sentences. Authorizes court to determine eligibility for release and temporary leave from custody, work release, conditional or supervised release, or reductions in sentences under relevant statutes for persons sentenced under ORS 137.700. Limits authority of peace officer to arrest without a warrant to those circumstances when a peace officer has probable cause to believe a person has committed a felony, Class A misdemeanor categorized by the criminal justice commission as a person crime, or an unclassified crime punishable by law equal to or greater than a Class C felony. Requires a peace officer to issue a criminal citation in lieu of arresting a person for certain crimes.

Appropriates to the Oregon Department of Administrative Services, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$2,500,000, for distribution to the Northwest Health Foundation for deposit into the Reimagine Safety Fund. Limits authority of a police officer to initiate a traffic stop for certain traffic violations. Prohibits admission of any person into a custody facility who is showing symptoms of a contagious virus or in need of acute medical or psychiatric care. Prohibits parole and probation officers from wearing clothing that resembles that of a peace officer and from carrying a firearm in certain locations while engaged in official duties. Requires parole and probation officers to receive continuing education in trauma-informed care, culturally specific services, and de-escalation tactics. Amends reductions to sentences for drug-related offenses. Removes payment of supervision fees from conditions that may be imposed as part of a probationary sentence. Limits the circumstances under which a judge may revoke an order of probation to those when a person willfully absconds or commits a felony or Class A person misdemeanor while on probation. Prohibits the imposition of jail confinement as a section for a probation violation if based solely on a probationer's use of controlled substance.

Defines culturally responsive service and culturally specific organization. Amends the entities eligible to receive funds from the Oregon Criminal Justice Commission as part of the Justice Reinvestment Program to include community-based, culturally responsive service providers, and culturally specific organizations. Requires no less than 20 percent of grant funds from the Justice Reinvestment Program to be awarded to culturally specific organizations and culturally responsive service providers. Directs the Oregon Criminal Justice Commission to collect and review data concerning disparate imposition of supervision conditions based on race, gender identity, sexual orientation, and county. Requires data to be available to the public in a clear and accessible format. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly related to judiciary specific information regarding the distribution of Justice Reinvestment Program funds in accordance with this measure. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- Persons of color killed during contact with police officers
- Development of amendment by stakeholders
- Importance of culturally specific service providers as part of criminal justice system
- Need for competent medical evaluations and care for individuals being admitted to jail facilities

#### EFFECT OF AMENDMENT:

-4 Replaces measure. Directs the Oregon Criminal Justice Commission to establish a program to award grants to public and private entities for restorative justice programs. Requires peace officer or enforcement officer

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performing a stop to provide the reason for the stop and to inform the person of their right to refuse a request to search. Requires a peace officer or enforcement officer to provide the officer's name and badge number if a stop does not result in an arrest or citation. Requires a peace officer to issue a criminal citation in lieu of arresting a person for certain crimes in circumstances described by measure. Expands eligibility for reduction in sentence of supervision to individuals on post-prison supervision through the Department of Corrections for certain crimes. Amends current restitution payment requirements for compliance with terms of probation or post-prison supervision to be limited to the extent the person is able to pay. Permits a court and the State Board of Parole and Post-Prison Supervision to impose general conditions of supervision on a defendant only if the court or Board finds the condition necessary and appropriate in a case. Eliminates probation violation fees. Requires parole and probation officers to give each person under supervision the ability to report by the least onerous means possible that will reasonably support successful completion of supervision. Removes payment of supervision fees from conditions that may be imposed as part of a probationary sentence. Requires fifteen percent of grant funds awarded by the Criminal Justice Commission as part of the Justice Reinvestment Program to be distributed to organizations that provide services to victims of crime, with priority given to culturally specific organizations. Defines culturally responsive service and culturally specific organization. Requires no less than 20 percent of grant funds from the Justice Reinvestment Program to be awarded to culturally specific organizations and culturally responsive service providers. Appropriates funds out of the General Fund for deposit into the Justice Reinvestment Account for purposes of carrying out requirements of measure. Directs the Oregon Criminal Justice Commission to evaluate the implementation and progress of subgrants distributed by Northwest Health Foundation Fund II using funds appropriated for purposes of measure and convene a stakeholder group to assist in the evaluation. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly detailing the progress of the evaluation described no later than June 30, 2023. Directs the Oregon Criminal Justice Commission to collect and review data concerning disparate imposition of supervision conditions based on race, gender identity, sexual orientation, and county. Requires data to be available to the public in a clear and accessible format. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly related to judiciary specific information regarding the distribution of Justice Reinvestment Program funds in accordance with this measure no later than September 15, 2022. Declares and emergency effective upon passage.

-6 Replaces measure. Directs the Oregon Criminal Justice Commission to establish a program to award grants to public and private entities for restorative justice programs.

Requires peace officer or enforcement officer performing a stop to identify themselves as a police officer. Requires a police officer to inform the person of their right to refuse a request to search. Requires a peace officer or enforcement officer to provide the officer's name and badge number if a stop does not result in an arrest or citation. Requires a peace officer to issue a criminal citation in lieu of arresting a person for certain crimes in circumstances described by measure.

Prohibits the initiation of traffic violation stops for unlawful use or failure to use lights or operation without required lighting equipment in circumstances specified in measure. Provides that citations for unlawful use or failure to use lights or operation without required lighting equipment must instead be mailed to the registered owner of the vehicle within six business days of alleged violation. Established process for a registered owner of a vehicle to respond to a citation issued by mail.

Prohibits admission of any person into a custody facility who is seriously injured, seriously ill and in need of urgent medical care or in serious need of psychiatric care to the extent that the person's health or safety is significantly endangered, or who is otherwise in acute need of medical or psychiatric care.

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Prohibits a parole and probation officer from visiting persons on supervision at locations in which individuals seek public benefits, or at or in the supervised person's place of employment unless specific circumstances exist. States that certification requirements for parole and probation officers shall include initial and ongoing mandatory trainings in providing trauma-informed care, culturally specific services, and de-escalation techniques. Prohibits a court and the State Board of Parole and Post-Prison Supervision from imposing general conditions of supervision on a defendant unless the court or Board finds the condition necessary and appropriate in the case. Removes payment of supervision fees from conditions that may be imposed as part of a probationary sentence. Eliminates probation violation fees. Requires parole and probation officers to give each person under supervision the ability to report by the least onerous means possible that will reasonably support successful completion of supervision.

Requires fifteen percent of grant funds awarded by the Criminal Justice Commission as part of the Justice Reinvestment Program to be distributed to organizations that provide services to victims of crime, with priority given to culturally specific organizations. Defines culturally responsive service and culturally specific organization. Requires no less than 20 percent of grant funds from the Justice Reinvestment Program to be awarded to culturally specific organizations and culturally responsive service providers. Appropriates funds out of the General Fund for deposit into the Justice Reinvestment Account for purposes of carrying out requirements of measure. Directs the Oregon Criminal Justice Commission to evaluate the implementation and progress of subgrants distributed by Northwest Health Foundation Fund II using funds appropriated for purposes of measure and convene a stakeholder group to assist in the evaluation. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly detailing the progress of the evaluation described no later than June 30, 2023. Directs the Oregon Criminal Justice Commission to collect and review data concerning disparate imposition of supervision conditions based on race, ethnicity, gender and county. Requires data to be available to the public in a clear and accessible format. Requires Department of Corrections community corrections and local supervisory authorities to collect and maintain information on supervised individuals concerning the person's race, ethnicity and gender and provide the data to the commission at least annually. Directs the Oregon Criminal Justice Commission to report to the committees of the Legislative Assembly related to judiciary specific information regarding the distribution of Justice Reinvestment Program funds in accordance with this measure no later than September 15, 2022.

Appropriates, in addition to and not in lieu of any other appropriation, to the Oregon Department of Administrative Services, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$1,500,000, for distribution to the Northwest Health Foundation Fund II for deposit into the Reimagine Safety Fund. Directs uses of the funds received to include, but not limited to, researching ways to ensure equitable outcomes in public safety, educating impacted communities about the current public safety system and providing a community-driven process to produce recommendations to the Legislative Assembly for public safety reform. Requires the Northwest Health Foundation Fund II to provide a first report to the committees of the Legislative Assembly related to the judiciary concerning how the funds received under this section of the act were expended, no later than February 15, 2022 and an updated report to be provided no later than December 15<sup>th</sup>, 2022. Declares and emergency effective upon passage.

-8 Replaces the measure. Defines permanent physical injury. Allows for a district attorney to allege a defendant caused permanent physical injury to a victim during the commission of certain crimes and to plead the allegation in the accusatory instrument. States that if a defendant is convicted of a crime, having as an element that the defendant caused permanent physical injury to the victim, the court shall impose as a sentence a term of imprisonment of 300 months. Allows the court to impose a sentence of less than 300 months in certain circumstances.

### **BACKGROUND:**

*This Summary has not been adopted or officially endorsed by action of the committee.*

Oregon has convened several working groups to analyze the sentencing and corrections policies that drive correctional population and costs, including a 2011 Commission on Public Safety. There are two methods by which length of stay in prison could benefit public safety: incapacitation (the reduction of current criminal involvement because offenders are physically held in prison) and deterrence (the reduction of future criminal involvement because of the increasing severity of the current penalty). Incapacitation is effective at preventing individual offenders from committing crimes but it comes at a substantial cost. Between 2000 and 2010, Oregon's prison rate increased by nearly 50 percent growing to 14,000 inmates with a total biennial corrections budget over \$1.4 billion. The Justice Reinvestment Program is one of the approaches Oregon has taken to spending resources with the goals of reducing recidivism while also decreasing prison use, protecting the public, and holding offenders accountable.

House Bill 2002 is an omnibus bill that modifies many aspects of public safety, including a repeal of certain mandatory sentences, amending limitations on reductions in prison and probationary sentences, reducing law enforcement arrest authority, and directing Justice Reinvestment funds to be distributed to culturally specific and response service providers.